

AUTO COLLISION REPAIR LICENSING ADVISORY BOARD

MEETING MINUTES FOR NOVEMBER 27, 2007

Members present:

David Reynolds, New Century Auto Inc

Jeanne McCarthy, DBR

Richard Berstein, DBR

Gerald Galleshaw, public member

Charles Nystedt, Metlife Auto & Home

Paul Kiernan, Dealership

Dennis Gamba, Cranston Collision

Dan Coleman, F&C Glass

Others Present: Randy Bottella, Reliable Collision Center

Jina Petrarca Karampetsos, Petrarca & Petrarca

John Petrarca, Providence Auto Body

Rep. Bruce Long

Stephen Zubiago, Nixon Peabody/PCI

Peter Olsen, Payless

Bruce Nash, Colorall

Larry Alan, Nationwide

Jeff Mocarsky, Maaco Collision

Anthony Victoria, Auto Service Auto Body

Dan Hagler, Progressive Insurance

MEETING CALLED TO ORDER AT 10:36 am

Motion by JMC to rewrite June minutes that were submitted in error for next meeting Seconded DR unanimous

Motion to accept October minutes with change of date on heading by DR seconded CN unanimous

DR: Questioned the status of storage regulations. Complained that the delay of the regulation affects small businesses, also that they were discussed thoroughly by the board and representatives of insurance industry before being sent up to the Director.

RB: Still Work in progress

Copy of Commercial licensing 3 (Storage Regulations) with on site standards included.

LA: Stated the on site appraisal conduct language is fine, the placement is an issue; the subcommittee presented to Director and thought it should be in Regulation 4

DR: Stated the subcommittee reports to the Board and the Board submits to the Director. The Chief of Auto Body has indicated that

this amendment is more logically placed in Regulation 3. If it is placed there and has the same weight of law as Regulation 4 what is the difference?

LA: The insurance industry finds Regulation 3 controversial, we think the on site appraisal standards should be in Regulation 4 even though it references activities better in Regulation 3. There are 3 things we find controversial:

there is no formula to substantiate the change in costs

The industry doesn't like the reference to Regulation 73

The variance section does not make the maximum a true maximum

DR: We did use a formula CPI from 1994 – 2007 and got the average, which was over \$40, we came to the compromise amount of \$27. This is old information the regulation was sent up to the Director and he okayed it for public hearing.

LA: Claimed there needed to be a new hearing on Regulation 3 since it got expunged. The public hearing didn't count because there was an issue with the hearing officer. We were promised a de novo hearing. Placement is the only issue on these on site appraisal conduct and whether it moves forward or not. It will go forward in Regulation 4 it will not go forward on Regulation 3.

JKP: Regulation 3 had a public hearing – questioned why it did not

count. Stated she will put in a freedom of information request on why that public hearing is being discounted.

SZ: Stated that the public hearing was expunged is not the right word - there was an agreement among everybody to start again.

DR: Noted he wasn't included in that agreement. Asked what was incorrect in the notice, he stated that he had read the notices for Insurance regulations 42 and 43 they were the same.

RB: Suggested that the Proposed amendment to the Regulation be submitted to the Director who has the authority to approve, modify or reject or issue a bulletin regarding the submission;

DR: Made motion to send the Director the on site appraisal included in CR3 seconded by JMC vote 5-3

Colorall:

SZ: Submitted letters by Bill Howe, State Fire Marshall saying that Colorall does not need authorization to spray paint outdoors

There was a discussion concerning whether §5-38 requires, by statute, a physical shop

SZ: Contended that the Board's criteria was achieved as was

indicated in the letter sent by JMC on November 19, 2007 and that he wanted his client to be licensed with a Special Use license.

CN: Asked JMC if the application was administratively complete?

JMC: Noted that since there are contradictory letters from DEM it would be up to the Director to determine if it is complete. The Board should make their recommendation and send it up to the Director

Rbot: Stated that originally Colorall had proposed to the Board that a tent would be used when there was painting. After discussions with the State Fire Marshall that the tent required inspections at each location now they are painting without a tent. The Board does not know exactly what the applicant proposes to do. And there are also contradictory letters from DEM

BN: The letter the Board received from DEM was the result of the information DBR sent to them.

JMC: Stated the only item she sent to DEM was the booklet presented to the Board at the first meeting.

BN: Claimed that the Booklet is a marketing piece for the whole country

DR: Noted that the Booklet was the written evidence that was

presented to the Board to apply for a Special Use license.

DG: At the first meeting they were supposed to indicate their limitations – they have not produced anything as of today.

SZ: There are 6 city and towns in which Colorall have gotten approval to work

DR: State we would need that information in writing.

RB: Asked that SZ submit something in writing and suggested that he resubmit with limitations.

GG: Stated he represents the public and wanted to know if he sent the Colorall booklet to the DEM executive counsel

SZ: Answered no

GG: The booklet was given to technicians in DEM and they threw up flags. Also, the Board has bent over backwards to make this license work. The spraying of paint without a booth could affect the members of the public with breathing problems.

DR: Motion to recommend to the Director that he deny the Special Use license submitted by Colorall seconded DG/GG 5-1 2 abstain

RB: Motion to reconsider new application if Colorall chooses to resubmit seconded CN 7-0 1 abstain

Adjourn 12pm